



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** August 3, 2011  
**AGENDA DATE:** August 10, 2011

**PROJECT ADDRESS:** 824 & 828 Summit Road (MST2011-00237)

**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *Dyk*  
Suzanne Riegle, Assistant Planner *SR*

### I. PROJECT DESCRIPTION

The proposed project consists of a Lot Line Adjustment between the properties located at 824 Summit Rd. (APN 015-172-007) & 828 Summit Rd. (APN 015-172-008), which will result in a transfer of 4,094 sq. ft. of lot area to 824 Summit Rd. The minimum lot size in the A-2 Zone is 37,500 square feet for lots having a slope of between 10% and 20%. The resulting lots will be 26,548 square feet with a 12.4% average slope (824 Summit) and 42,325 square feet with a 14.74% average slope (828 Summit). The project does not include the construction of any improvements.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Lot Area Modification is requested to allow the property at 824 Summit Rd. to provide less than the minimum lot area required for the A-2 Zone. (SBMC §28.15.080 & §28.92.110).
2. A Street Frontage Modification is requested to allow the property at 828 Summit Road to continue to provide less than the minimum street frontage of 100 feet (SBMC §28.15.080 & §28.92.110).
3. A Lot Line Adjustment (LLA) to change the property line between 824 Summit Road (APN 015-172-007) and 828 Summit Road (APN 015-172-008) (SBMC §27.40 & Gov. Code §66412).

### III. RECOMMENDATION

If approved as proposed, the project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. No construction is proposed as part of this project. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**APPLICATION DEEMED COMPLETE:** July 5, 2011  
**DATE ACTION REQUIRED PER MAP ACT:** August 19, 2011

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**A. SITE INFORMATION**

	824 Summit Rd	828 Summit Rd
Property Owner:	Neil Korpinen and Erick R. Erickson	Bob and June Christensen
Parcel Number:	015-172-007	015-172-008
General Plan:	Residential, 2 units per acre	
Zoning:	A-2, Single Family Residential	
Existing Use:	Residential	Residential
Adjacent Land Uses: Surrounded by residential uses		

**B. PROJECT STATISTICS**

Zone	A-2
Lot Area Required	25,000 sf x slope density factor
Slope Density Factor	For lots with a slope of 10% up to and including 20% a minimum of 1.5 times the minimum lot area is required.

1. **EXISTING PARCEL STATISTICS**

	824 Summit Road	828 Summit Road
Slope	12%	15%
Existing House (net sf)	3,137	1,076
Lot Area	18,329 net sf	45,782 net sf
% of Maximum FAR (sf) Guideline	67.2%	21.4%

2. **PROPOSED ADJUSTED PARCEL STATISTICS**

	824 Summit Road	828 Summit Road
Slope	12.4%	14.7%
Existing House (net sf)	3,137	1,076
Lot Area	22,423 net sf 26,548 gross sf	41,688 net sf 42,325 gross sf
% of Maximum FAR (sf) Guideline	66.4%	21.6%

V. **ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	824 Summit Road	828 Summit Road
Lot Area	37,500 (including slope density)	22,423	41,688
Slope	N/A	12.4	14.7
Street Frontage	100'	162.5'	25'
Setbacks			
-Front	30'	30'	30'
-Interior	10'	10'	10'
-Rear	10'	10'	10'
Building Height	30'	> 30'	> 30'
Parking	2 covered spaces	2 covered	covered
Open Yard	1,250 sf	> 1,250 sf	> 1,250 sf
Lot Coverage			
-Building	N/A	3,137 11.8%	1,076 2.5%
-Paving/Driveway	N/A	2,868 10.9%	6,057 14.3%
-Landscaping	N/A	20,525 77.3%	35,192 83.2%

The proposed project would meet the requirements of the A-2 Zone, with the exception of the lot area for 824 Summit Road and the street frontage for 828 Summit Road, the modifications for which are discussed below in Section VI.

## **VI. ISSUES**

### **A. COMPLIANCE WITH THE GENERAL PLAN**

Before a Lot Line Adjustment can be approved, it must be found consistent with the City's General Plan. Based on staff's analysis, the proposed subdivision is consistent with all plans and policies of the City of Santa Barbara, including the General Plan.

*Land Use Element:* The project site is located in an area recognized by the Land Use Element of the General Plan as the Eucalyptus Hill neighborhood with a density of two dwelling units per acre or one unit per 21,780 sf. Parcel 2 is legally non-conforming to General Plan and Zoning density lot size. The proposed lot line adjustment will result in 824 Summit Road increasing in size to become compliant with the General Plans density requirement.

### **B. LOT LINE ADJUSTMENT**

Government Code Section 66412 (d), a portion of the State Subdivision Map Act, requires that the proposed lot line adjustment be consistent with the City's zoning and building codes. The plans for the proposed construction and existing structures on both properties have been reviewed by the Building and Safety Division and are in compliance with local building codes. The lot line adjustment would transfer 4,094 square feet of lot area from 828 Summit Road to 824 Summit Road. The minimum lot size for A-2 zoned property is 25,000 sf, for lots that have an average slope of less than ten percent, and 37,500 square feet for lots that have a slope of 10% up to an including 20%. Both the existing and proposed lots will maintain an average slope between 10-20%, therefore requiring a minimum lot area of 37,500 square feet each.

The proposal does not include any additions or alterations of existing structures or the construction of any new structures. With the approval of the requested modifications, the resulting parcels of a lot line adjustment will meet all current zoning standards, for the A-2 Single-Family Residence Zone.

The intent of the lot line adjustment is to adjust the parcel boundary to bring the property at 824 Summit Road closer to compliance with the zoning ordinances requirements for minimum lot size, and to purchase land that is currently used and maintained by the property owner of 824 Summit Road. Any future development on either parcel would be subject to the ordinance requirements of the A-2 Single-Family Residential Zones.

### **C. STREET FRONTAGE MODIFICATIONS**

The property at 828 Summit Road has an existing street frontage of 25 linear feet. The property at 824 Summit Road has an existing street frontage of 162.5 linear feet. The A-2 zone requires 100 feet of street frontage. The two properties involved in the lot line adjustment have a combined total of less than 200 linear feet of street frontage; therefore, it is not possible to create two properties that meet the minimum street frontage. The existing linear street frontage for each parcel will remain unchanged, but because the Lot Line Adjustment is the creation of

two new lots, 828 Summit Road requires a street frontage modification to recognize an existing situation.

**D. LOT AREA MODIFICATION**

The proposed parcel at 824 Summit Road will not comply with the minimum standard of 37,500 sf lot size for newly created lots in the A-2 zone with a slope of 12.4%; therefore, it requires the approval of a lot area modification. The existing parcel (APN 015-172-007) was non-conforming, with a lot size of 18,329 net sf (less than half of the required minimum lot size). The Lot Line Adjustment would increase this parcel by 4,094 sf, an approximately 22% increase in lot size. The proposed project results in a lot which is closer to the zoning ordinance requirement for minimum lot size.

**E. ENVIRONMENTAL REVIEW**

The project is a minor land transfer between two lots currently developed with single family residences. CEQA provides an exemption for projects involving minor lot line adjustments, where no new building sites have an average slope of greater than 20%, and the potential for development would not increase. Because there is no increase in the potential for development and no new building sites, the Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality guidelines Section §15305 (Minor Alteration in Land Use Limitations).

**VII. FINDINGS**

The Staff Hearing Officer finds the following:

**A. LOT AREA MODIFICATION**

Modifications of lot area and street frontage requirements are consistent with the purposes and intent of the zoning ordinance, and are necessary to prevent unreasonable hardship and promote uniformity of improvement, because the project increases the lot area of a non-conforming lot, thereby bringing the property into conformance with the minimum density requirements of the General Plan and closer to conformance with the Zoning Ordinance, as described in Sections V., VI.A. and VI.D. above.

**B. STREET FRONTAGE MODIFICATION**

A Modification of the street frontage requirements for the property at 828 Summit Road is consistent with the purposes and intent of the zoning ordinance, and is necessary to prevent unreasonable hardship and promote uniformity of improvement, because there is insufficient street frontage for both of the subject properties to conform to the minimum standard of 100 linear feet of street frontage. The existing linear street frontage for each parcel will remain unchanged, but because the Lot Line Adjustment is the creation of two new lots, 828 Summit Road requires a street frontage modification to recognize an existing situation., as described in Sections V., VI.A. and VI.C. above.

**C. LOT LINE ADJUSTMENT (GOV. CODE §66412 AND SBMC §27.04.030)**

With the approval of the lot area for 824 Summit Road and the street frontage modification for 828 Summit Road, the proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances, in that it would increase the size of 824 Summit to conform to the General Plan density, and to become closer to conformance with the Zoning Ordinance minimum lot size, without decreasing the lot size of 828 Summit to a substandard level, as discussed in sections V and VI. above.

Exhibits:

- A. Conditions of Approval
- B. Site Plan (under separate cover)
- C. Applicant's letter, dated

## **STAFF HEARING OFFICER CONDITIONS OF APPROVAL**

824 & 828 SUMMIT ROAD  
MODIFICATIONS AND LOT LINE ADJUSTMENT  
AUGUST 10, 2011

I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee.
2. Record any required documents (see Recorded Conditions Agreement section).
3. Make application and obtain a Public Works Permit (PBW) for the Lot Line Adjustment review and processing.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Engineering staff concurrently with the Lot Line Adjustment Agreement and Water Extraction Rights Agreement, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 10, 2011 is limited to a Lot Line Adjustment between the properties located at 824 Summit Rd. (APN 015-172-007) & 828 Summit Rd. (APN 015-172-008), which will result in a transfer of 4,094 sq. ft. of lot area to 824 Summit Rd. The resulting lots will be 26,548 square feet with a 12.4 % average slope (824 Summit) and 42,325 square feet with a 14.74% average slope (828 Summit).
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
4. **Common Area Maintenance.** All common/shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.
5. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted.

C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed

below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Water Rights Assignment Agreement.** The Owners shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights* (one agreement for each property) Engineering Division Staff prepares said agreement for the Owner's signature.
- b. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Permit Counter. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Conditions on Plans/Signatures. The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets.** A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner

Date

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Contractor

Date

License No.

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Architect

Date

License No.

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Engineer

Date

License No.



**D. General Conditions.**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of the lot line adjustment application.
4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

STAFF HEARING OFFICER CONDITIONS OF APPROVAL  
824 & 828 SUMMIT ROAD  
AUGUST 10, 2011  
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**NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:**

The Staff Hearing Officer's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

June 2, 2011

City of Santa Barbara  
Staff Hearing Officer  
Department of Public Works  
630 Garden Street  
Santa Barbara, CA 931101

Dear Sir or Madame:

I am seeking a Lot Line Adjustment, for an area of land between my property at 824 Summit Road, and the neighbor's property at 828 Summit Road. The residents at 824 Summit have historically maintained the 4094 square foot triangular shaped area, and all parties are in favor of making the transfer permanent.

Both properties have single-family residences of wood frame construction. The Lot Line Adjustment will not affect any structures, paving, drainage or vegetation, and there are no fences on either property. The new lot line is designed to preserve the exiting frontage of both properties. 824 Summit is currently undergoing alterations and addition, permit #BLD2011-00304.

Property Statistics – 824 Summit Road, Santa Barbara, Ca 93108

Owner – Neil Korpinen and Eric Erickson

APN #015-172-007

Existing lot size – 22,331 sq. ft. gross / 18,329 sq. ft. net (.513/.421 acres)

Proposed lot size – 26,548 sq. ft. gross / 22,423 sq. ft. net (.609/.515 acres)

Existing slope – 12% / Proposed slope – 12.4%

House lot coverage – 3105 sq. ft.

House size – 3682 sq. ft. gross

Property Statistics – 828 Summit Road, Santa Barbara, CA 93108

Owner – Robert and June Christensen

APN #105-172-008

Existing lot size – 46,542 sq. ft. gross / 45,782 sq. ft. net (1.07/1.05 acres)

Proposed lot size – 42,325 sq. ft. gross / 41,688 sq. ft. net (.98/.96 acres)

Existing slope – 15% / Proposed slope – 14.74%

House lot coverage – 1076 sq. ft.

House size – 1400 sq. ft. gross

Sincerely,



Neil Korpinen  
805-884-0019

RECEIVED  
JUN 03 2011

CITY OF SANTA BARBARA  
PLANNING DIVISION

EXHIBIT C

